

20-08

COMMUNITY REVIEW BOARD

TEAM # 4

CASE # 2018-0382

(O/S)

Date of Incident: June 23, 2018
Time of Incident: 2229 Hours
Location of Incident: [REDACTED] Rolando Court # [REDACTED], San Diego
Date of Complaint: June 23, 2018
Investigator: Sergeant Meghan Bisesto
Date Assigned to CRB: May 1, 2019
Date Review Complete: July 8, 2019
Date CRB Presentation: August 27, 2019

CONFIDENTIAL: FOR EXCLUSIVE USE OF COMMUNITY REVIEW BOARD AND SDPD
IN ACCORDANCE WITH RESTRICTIONS ON CONFIDENTIAL PERSONNEL RECORDS
PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 832.5, 832.7, and 832.8

OFFICER INVOLVED: ROMAN, Francisco, POII, ID #7312 BWC
Date of Hire: 10-24-14
S.D.P.D., Eastern Division
[REDACTED]

WEAPON USED: 9MM Smith & Wesson, model M&P9 M2.0, SN #NBB4870
Personal firearm

OFFICER INVOLVED: BOGGE MAN, Shawn L., POII, ID #7160 BWC
Date of Hire: 02-21-14
S.D.P.D., Eastern Division – 3rd Watch
[REDACTED]

WEAPON USED: 9MM Smith & Wesson, model M&P9 M2.0, SN #NAV9888
Personal firearm

Remington pump-action shotgun, model 870, SN #CC74080A
Department issued firearm

SUSPECT: [REDACTED]

WEAPON USED: AR-style rifle, 5.56 x 45 caliber with pistol grip and stabilizing brace
No serial number – fabricated weapon

WITNESS OFFICER: BIHUM, Dannie L., POII, ID 5762 BWC
Date of Hire: 02-02-01

S.D.P.D., Eastern Division
W/M, 46-years-old

WITNESS OFFICER: **BEAM, Daniel, POII, ID 6414 BWC**
Date of Hire: 10/19/07
S.D.P.D., Mid-City Division
A/M, 34-years-old

OTHER WITNESSES:



OTHER WITNESSES: **FULLER, Scott, SDFD Captain, ID 163665**
600 B. Street, Ste. 1300, San Diego, CA 92101

OTHER WITNESSES: **SMITH, Barry L., SDFD Engineer, ID 237344**
600 B. Street, Ste. 1300, San Diego, CA 92101

OTHER WITNESSES: **WILLIAMS, Tanner, SDFD Firefighter, ID 307322**
600 B. Street, Ste. 1300, San Diego, CA 92101

OTHER WITNESSES: **PREJENT, Arnaud, SDFD Firefighter, ID #307603**
600 B. Street, Ste. 1300, San Diego, CA 92101

Allegation	Description	Subject Officer(s)	Witness(es)	IA Finding	Team Finding
1-OIS	<p>Officer responded to [REDACTED] Rolando Court # [REDACTED] in San Diego. Upon arrival officer's smelled smoke coming from within the apartment but received no answer. Officers called for San Diego Fire Department personnel to respond and Engine #10 arrived several minutes later. Officers and SDFD personnel continued knocking on the door to the apartment but received no answer. After approximately 20 minutes, SDFD personnel forced open the front door to the apartment to check the welfare of the resident.</p> <p>Almost immediately after SDFD personnel forced open the door, the resident opened fire on the officers when Officer Bihum stepped into the doorway. The officers and firefighters took cover and a gun battle ensued between the suspect and Officers Roman and Boggeman.</p>	Officer ROMAN Officer BOGGEMAN	Officer ROMAN, Officer BOGGEMAN, Officer BIHUM, SDFD PREJENT, SDFD SMITH, SDFD WILLIAMS Mr. HARRIS	WP	A
Investigator's Notes:					

CASE NOTES:

The scene of this incident was vast and posed very elevated danger to all residents, bystanders, San Diego Fire, and San Diego Police Officers responding. As there were over 179 Law Enforcement Officers on scene, the Homicide File was two 4" binders full of information. Team 4 spent considerable amounts of time and energy reviewing this case. Homicide and Internal Affairs were accurate in identifying the vital pieces for Team 4 to review up front. This allowed us to concentrate on the key parts to get our review done in a timely and thorough manner. Officer BEAM's BWC provided some of the most relevant actions during the shooting but he was not listed in IA's Report, so we requested his details from Det. Amado, and she was able to provide for us quickly in order to list him in the report.

<u>Check = Reviewed</u>	<u>Resource Item</u>
X	Photographs from Autopsy of Decedent (Suspect)
X	Additional Materials provided of Suspect
X	IA Investigation Report
X	Police Officer Reports (CAD, Arrest Report, 100+ Arjis-9 Reports, etc.)

X	Police Officer Body Work Camera (BWC) video (BEAM, BIHUM, ROMAN, BOGGEMAN)
	SDPD HR Profile Sheet(s) NOT PROVIDED
X	SDPD ALE video
X	Autopsy Report and Photos of Suspect
X	Homicide Case Investigation of Suspect
X	Gun Violence Restraining Order of Suspect
	Interview Audio of Suspect
	Interview Audio of Witnesses
X	Interview Audio of Witness Officers (BIHUM, BEAM)
X	Interview Audio of Subject Officers (ROMAN, BOGGEMAN)
	Interview Audio of Others Contacted
X	SDPD Policy & Procedures (1.04, 1.05)
X	Other: Full Homicide Investigation Binders 1 & 2

INCIDENT SUMMARY:

On June 23, 2018 at 10:29 pm, San Diego Police Department Officers ROMAN, BOGGEMAN, and BIHUM responded to a call of Disturbing the Peace (CA Penal Code 415) at [REDACTED] Rolando Court, Apartment # [REDACTED] in San Diego.

The officers went to Unit # [REDACTED] where the Reporting Party (RP) indicated the disturbing party resided. Officers began contacting the resident, Mr. Joe [REDACTED]. After minutes of trying to contact the resident, Officers BIHUM, ROMAN, and BOGGEMAN began to smell a burning smell and became concerned for the occupant. At 8:40 mark on Officer BIHUM's BWC, Officer Roman is seen calling for the San Diego Fire Department to evaluate the burning smell. After over 5 minutes of trying to get the occupant to come to the door, Officer BIHUM decides to get SD Fire to come to determine what the burning smell could be and if they need to breach the door to help the occupant(s). There were 4 SDPD Firefighter (FF) staff on scene for the initial contact incident.

BWC Officer BIHUM:

- At 1:50 - ROMAN and BOGGEMAN meeting Officer BIHUM in hallway to Unit # [REDACTED] to discuss the contact and strategy.
- At 2:12-2:23 – Officers listen to hear if there are any sounds coming from the unit.
- At 2:25 – Officer BOGGEMAN begins knocking on Unit # [REDACTED]'s door to contact the occupant. Officer ROMAN is seen on BOGGEMAN's left at BOGGEMAN's 3 o'clock position and Officer BIHUM is at the 4 o'clock position.
- At 2:42 – Officer ROMAN states that there is a burning smell that "seems to be getting stronger".
- At 2:57 – Officer BOGGEMAN states, "San Diego Police, come to the front door" to the occupant behind the door.

- At 4:14 – Officers mention movement in the apartment, and note that the light is on in the unit.
- At 4:27 – Officer ROMAN tries the door to see if the door could already be unlocked; it is not
- At 4:32 – 5:00 – Officer BIHUM walks both ways in the hallway to check the perimeter of the hallway and notes to Officers BOGGEMAN and ROMAN that the burning smell is definitely strongest at Unit #■
- At 5:14 – Officer BOGGEMAN notes the location of the unit in relation to the outside, and Officers begin to discuss “the fastest way to get out” or route if there is a fire.
- At 5:35 – Officer BIHUM knocks and tells Unit #■ occupant, “San Diego Police, we just need to talk to you to make sure you’re okay, we can’t leave. Come to the door and talk to us, it will take a couple of minutes and we’ll be out of here.” He repeats this several times throughout the attempt to contact the occupant.
- At 7:30 – Officer BIHUM decides that they should call SD Fire to help with the burning smell.
- At 7:40 – Officer BIHUM calls Dispatch to send SD Fire. Officers are still knocking.

Officer BIHUM and ROMAN remain at the door and are knocking and asking the occupant(s) to come to the door. All the while, letting anyone inside know that they need to make sure that they are okay and to please answer the door. Officer BOGGEMAN is checking the perimeter and the back balcony of the apartment to see if he can see any movement or anything that can help them understand what is going on inside with the burning smell. Mr. HARRIS, an occupant of Unit #3 confirmed in his interview that he heard SDPD Officers trying to get his neighbor to open the door for several minutes.

- At 16:49 – SD Firefighters WILLIAMS and PREJENT come into the hallway to meet Officers BIHUM and ROMAN.

Officers BIHUM and ROMAN are discussing their concerns with the burning smell with the SD Firefighters. Also, they point out that the occupant has a double dead bolt instead of a door handle on the door. Then, after many, many, and multiple warnings that they will need to break down the door, the SD Firefighters advised that they go ahead and force the door. The SDPD Officers make way for the SD Firefighters to use a Halogen Tool to open the double dead-bolted door. Discussion between Officers BOGGEMAN suggests to Officers ROMAN, BIHUM, and SD Firefighters of an option to go through and try to gain access via the back balcony of Unit #■ since he sees a light on in the unit but not much else. Officer ROMAN advises against that saying, “judging on his (the registered occupant’s) past, I wouldn’t suggest that.”

- At 21:04 – Officer ROMAN states, as he sniffs the air, “It’s getting stronger” regarding the burning smell coming from the apartment.

Officers also discuss that there is a possibility that nobody is in the unit. Officer BIHUM then backs away from the door and speaks to Officers BOGGEMAN, ROMAN, and the 2 SD Firefighters about if it is possible for them to walk away from the encounter since there has been no answer for over 20 minutes. Fire says that they do not feel that there is an eminent threat of the building burning down at this point, based on the door not being hot and the smell not getting super strong at a rate for a fire. FF SMITH stated in his Witness interview that they definitely smelled smoke upon approaching the door to Unit #■ Officer BOGGEMAN advises that they check with their Sergeant to get cleared to walk away. SDPD Firefighter (FF)

PREJENT states in his Witness Interview that they were called out to address a smell of smoke in Unit # [REDACTED] FF PREJENT also that they were waiting on SDPD Officers to get the command from their Sergeant to force open the door. Officer BIHUM tells everyone in the hallway (Officer ROMAN, BOGGEMAN, and SD FFs WILLIAMS and PREJENT) that they will wait to get cleared by their Sergeant to force the door.

- At 22:40 – SD Fire Engineer SMITH is seen on camera advising about the possible fire potential. Officer BOGGEMAN advises him to not stand in front of the door.
- At 25:15 – SD Fire Engineer SMITH says they are going to force the door open.
- At 25:30 – Officer BIHUM, after about 40 other attempts, gives the occupant(s) a final warning that they are going to force entry and that this is their last chance to come to the door to talk with them.
- At 25:40 – SD Firefighters begin to force open the door.

FF PREJENT and FF SMITH both stated in their interviews that it takes about 10-15 seconds to force open the door.

- At 26:01 – SD Firefighters successfully force open the door.
- At 26:03 – After the door swings open, immediately 2 seconds later, all receive rapid gun fire from inside the apartment.

FF PREJENT stated in his interview that he knew from his previous military experience that the suspect was firing a rifle caliber weapon. FF SMITH, stated in his interview that it sounded like loud, shotgun fire. FF SMITH stated that they were trying to get into another unit to get out of the line of fire, but that they could not. FF SMITH stated, "we were just stuck, there was nowhere for us to go." FF SMITH detailed how they escaped head first through the 2' x 2' window screen, and dropped one story below.

- At 26:09 – Officer BIHUM is seen falling backwards onto his back after being shot. Officer ROMAN immediately grabs him and drags him down the hallway away from the doorway.

BWC OFFICER ROMAN:

- At 29:03 – Offer ROMAN's BWC shows him returning fire towards the location of the gunfire inside the Unit # [REDACTED] Apartment, simultaneous to when Officer BIHUM falls from being shot. He then immediately tries to drag Officer BIHUM out of the line of fire and puts out "shots fired" on his police radio and provides cover.

Within 2 seconds of the door being forced open by SD Firefighters, Mr. [REDACTED] began issuing rapid, high caliber shots towards the officers and firefighters. As SD Firefighters run away for cover towards the opposite end of the hallway (westbound), Officers BIHUM and ROMAN are taking rounds in the vicinity of the hallway near the doorway and trying to get cover as well. The officers and firefighters took cover and a gun battle ensued between the suspect and Officers ROMAN and BOGGEMAN. In his IA Interview, FF WILLIAMS described taking cover and seeing Officer BIHUM crawling away from the line of fire. FF WILLIAMS stated that at that point, multiple gunshots starting hitting the walls around them. He then knocked on the door of another unit and the occupant let him in. From there, FF WILLIAMS ended up "bailing out the 2nd floor window in the back of that individual's apartment. The individual whose apartment it was, he ended up bailing out of that window himself." SDPD Officers were waiting

at the bottom of that window escape for them. Mr. HARRIS, from Unit #3 stated in his IA Interview that after 30 minutes or so, he was able to see 3 bullet holes when he looked out his apartment door peep hole. He also saw one through the hallway door and his apartment door. He stated that is when he crawled inside his apartment toward the window to look out of it. He saw that there was an SDPD Officer reloading his weapon. He stated that at point, he realized that it was still going on, and so he crawled into his bedroom and took cover, after calling 911.

The Unit # [REDACTED] male resident suspect, Mr. [REDACTED] was armed with an AR-15 style rifle, a 9mm Glock 17 handgun, and was wearing soft body armor complete with a steel tactical trauma plate. After Officer BIHUM moved back out of the doorway, the suspect fired 9-10 additional rounds through the drywall, of which one round struck Officer BIHUM in the right rear shoulder. Officer ROMAN and BIHUM became pinned down in the hallway outside of unit # [REDACTED] for the next several minutes as a lengthy gun battle ensued. The gunshots were of a high caliber and penetrated the walls of the apartment and building. Officers ROMAN and BIHUM continued to take fire and Officer BIHUM was unable to move nor feel his legs nor feet. Officer ROMAN and BOGGEMAN sprung into action.

BWC OFFICER BIHUM:

- At 26:15 – Officer ROMAN, after dragging Officer BIHUM away from the doorway, puts out on the radio, "Shots Fired, Shots Fired, shoot through the door." Remaining calm and collected for his partner and continuing to pull him towards the end of the hallway where there is no escape but a window one story up.
- At 26:24 – Office BIHUM is seen struggling to turn over and crawl towards the window while Officer ROMAN is sending radio requests for cover. Officer ROMAN is supporting Officer BIHUM the whole time while he is with his gun drawn and covering saying, "Crawl, C'mon, you got it Danny, come on, you got it crawl"

At the window, outside, a cover officer arrived (assuming it's either Officer BOGGEMAN or Officer BEAM) and let Officer BIHUM know to keep his head down and to stay down and that he has him covered from here. The officer asked him where he was hit. He did not know but Officer ROMAN told him that he was hit in his back. After several minutes, the suspect fired at the officers from outside of his doorway and shot Officer ROMAN in the chin, chest and shoulder.

- At 28:05 – Officer BOGGEMAN is heard asking for a couple of rifles and a ballistic shield now.
- At 30:53 – Officer BIHUM (still on the ground wounded) asks Officer ROMAN if he's okay, and Officer ROMAN responds that he is hit.
- At 31:00 – More rapid gunfire is heard from Unit # [REDACTED]
- At 31:30 – Officer BIHUM lets the cover officers know that they have a 2nd officer hit and they are trying to get out the window.

As the suspect fired on the officers, Officer Boggeman was able to shoot the suspect with a Remington 870 shotgun that was given to him by responding Officer BEAM. The suspect was shot in the chin and the right elbow.

The cover officers started to break the window to get Officers BIHUM and ROMAN out the window. It is a 9-12 foot drop to the pavement below. Officer BEAM is heard on the BWC (BIHUM's BWC is still inside at the window it fell off of him) outside telling the other cover officers that the shooter is in the 2nd door on the left, but it is actually 2nd door on the right. Eventually, about 20 minutes later, they realize that it is the 2nd door on the right, during the

SWAT Activity. Concurrently, the other resources show up on scene, including K-9, Snipers, ABLE, SWAT, and other agencies as well. Officer BIHUM's BWC was left behind at the shooting scene and captured moments that included the resource officers, K-9 and SDPD Robot clearing the scene.

The suspect retreated into this apartment and committed suicide by shooting himself in the head with his rifle.

The following screen shots are of the CAD Report of Incident. Team 4 used these to get a chronology of the Incident, as well as a count of how many officers arrived on scene to support.

I/NetViewer : Event Chronology

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E18060039233 - 1199 - HC - OFFICER NEEDS HELP - HOT CALL
ROLANDO CT SD: UNIT #5

☐ System Comments

Date/Time	Terminal	Operator	Event
06/23/18 22:16:18	tct20	9118366	EVENT CREATED - Type: 415V - DISTURBING PEACE W/VIOLENCE, Location: [REDACTED] CT SD: UNIT # [REDACTED] Agency: SDPD, Group: P3, Beat: 327, Status: P, Priority: 1
06/23/18 22:16:18	tct20	9118366	INITIAL CALL - Call Source: [REDACTED], Caller Name: [REDACTED] Caller Phone Number: (508) 561-2900, Caller Address: APT #22
06/23/18 22:16:18	tct20	9118366	EVENT REMARK - [REDACTED] OR [REDACTED] [REDACTED] UNK WRG..WALKING BACK AND FORTH CURSING YELLING SLAMMING DOORS ARGUING WITH A FEMALE IN THE HALLWAY.. UNK IF DV..
06/23/18 22:16:20	CT20	9118366	MESSAGE SENT - FYI EVENT E18060039233: Original message from terminal tct20 - 6/23/2018 10:16:20 PM RICHARDSON, VALERIE (9118366): ***** PLEASE REVIEW EVENT E18060039233 ***** Location: [REDACTED] 60 [REDACTED] CT SD: UNIT #5 MUN: SD EID: 421068 TYPE CODE: 415V TIME: 22:16:18 Comments: [REDACTED] [REDACTED] UNK WRG..WALKING BACK AND FORTH CURSING YELLING SLAMMING DOORS ARGUING WITH A FEMALE IN THE HALLWAY.. UNK IF DV..
06/23/18 22:16:21	tct20	9118366	EVENT REMARK - [REDACTED] FYI SENT TO LD01
06/23/18 22:20:20	trc09	8739	EVENT UPDATED - Total Assigned Units: 1,
06/23/18 22:20:20	trc09	8739	EVENT UPDATED - First Unit Dispatched Time: 06/23/18 22:20:20, Status Code: A,
06/23/18 22:20:20	trc09	8739	EVENT UPDATED -
06/23/18 22:20:20	trc09	8739	UNIT UPDATED - Unit: 325J3, Status: DP, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 7160
06/23/18 22:20:31	trc09	8739	EVENT UPDATED - Total Assigned Units: 2,
06/23/18 22:20:31	trc09	8739	UNIT UPDATED - Unit: 321J3, Status: DP, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 5762
06/23/18 22:20:37	\$321J3	5762	EVENT UPDATED - First Unit Enrouted Time: 06/23/18 22:20:37, Rms Transfer Time: 06/23/18 22:20:37,

06/23/18 22:42:59	trc10	8552	EVENT REMARK - FIRE T4 ENRT
06/23/18 22:43:10	trc03	8795	EVENT REMARK - 321J3 -- NO ANSW AT DOOR
06/23/18 22:58:49	RC03	8795	<p>MESSAGE SENT - EMERGENCY TONE: Original message from terminal trc03 - 6/23/2018 22:58:49 MEANS, ERIN (8795):</p> <p>***** 321J3 ***** EMERGENCY TONE **** SHOTS FIRE</p> <p>Location: [REDACTED] ROLANDO CT SD: UNIT # [REDACTED] MUN: SD EID: 421068 TYPE CODE: 415V TIME: 22:16:18</p> <p>Comments: [REDACTED]</p> <p>[REDACTED] UNK WRG.. WALKING BACK AND FORTH CURSING YELLING SLAMMING DOORS ARGUING WITH A FEMALE IN THE HALLWAY.. UNK IF DV.. [REDACTED] 2900JFYI SENT TO LD01 321J3 -- FIRE FOR HEAVY SMELL OF SMOKE FIRE T4 ENRT 321J3 -- NO ANSW AT DOOR</p>
06/23/18 22:58:51	trc03	8795	EVENT REMARK - 321J3 -- EMERGENCY TONE ** SHOTS FIRE
06/23/18 22:58:52	trc03	8795	EVENT UPDATED - Total Assigned Units: [REDACTED]
06/23/18 22:58:52	trc03	8795	UNIT UPDATED - Unit: 2928N3, Status: DP, Location: [REDACTED] CT SD: UNIT # [REDACTED] Employees: 6608
06/23/18 22:59:02	trc03	8795	EVENT UPDATED - Rms Transfer Time: 06/23/18 22:59:02, Total Assigned Units: 6,
06/23/18 22:59:02	trc03	8795	UNIT UPDATED - Unit: 315U2, Status: DP, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 7083, 7752
06/23/18 22:59:05	trc08	8766	EVENT UPDATED - Total Assigned Units: 7,
06/23/18 22:59:05	trc08	8766	UNIT UPDATED - Unit: 2917N3, Status: DP, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 6719
06/23/18 22:59:12	LD01	8967	<p>MESSAGE SENT - FYI EVENT E18060039233: Original message from terminal tld01 - 6/23/2018 10:59:12 PM [REDACTED] (8967):</p> <p>***** PLEASE REVIEW EVENT E18060039233 *****</p> <p>Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] MUN: SD EID: 421068 TYPE CODE: 415V TIME: 22:16:18</p> <p>Comments: [REDACTED]</p> <p>[REDACTED] UNK WRG.. WALKING BACK AND FORTH CURSING YELLING SLAMMING DOORS ARGUING WITH A FEMALE IN THE HALLWAY.. UNK IF DV.. [REDACTED] JFYI SENT TO LD01 321J3 -- FIRE FOR HEAVY SMELL OF SMOKE FIRE T4 ENRT 321J3 -- NO ANSW AT DOOR 321J3 -- EMERGENCY TONE ** SHOTS FIRE</p>
06/23/18 22:59:13	tld01	8967	EVENT REMARK - FYI SENT TO LDET
06/23/18 22:59:21	trc08	8766	EVENT UPDATED - Total Assigned Units: 8,
06/23/18 22:59:21	trc08	8766	UNIT UPDATED - Unit: 821J3, Status: DP, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 6414
06/23/18 22:59:21	trc03	8795	EVENT UPDATED - Total Assigned Units: 9,

06/23/18
23:21:05

RC03

8795

MESSAGE SENT - CALLBACK: Original message from terminal trc03 - 6/23/2018 23:21:05

MEANS, ERIN (8795):

***** CALLBACK ***** PLS TRY FOR FURTHER ON SUSP *****

Location: [REDACTED] ROLANDO CT SD: UNIT # [REDACTED] MUN: SD EID: 421068 TYPE CODE: 1199 TIME: 22:16:18

Comments: [REDACTED]

[REDACTED] UNK WRG. WALKING BACK AND FORTH CURSING YELLING SLAMMING DOORS ARGUING WITH A FEMALE IN THE HALLWAY. UNK IF DV. [REDACTED] FYI SENT TO LD01 321J3 -- FIRE FOR HEAVY SMELL OF SMOKE FIRE T4 ENRT 321J3 -- NO ANSW AT DOOR 321J3 -- EMERGENCY TONE ** SHOTS FIRE FYI SENT TO LDET SDSU T4// WC T4// 325J3 -- ACTIVE GUNFIRE FIRE T4 321J3 -- RIFLES AND SHIELD AIRED BLUE1 325J3 -- RIFLES AND SHIELD TO CULDESAC AIRED P5 ALL MIDCITY TO START THAT WAY 821J3 -- CODE12 LMPD HAS 4 UNITS ENRT 821J3 -- NEED LADDER FOR EXTRACTION 325J3 -- TRAPPED IN HALLWAY ONE OFCR DOWN FIRE IS T4//LD01 RMH 824J3 -- TAKING FIRE 821J3 -- ECB/ROLANDO STAGING 814S2 -- NEED ARS 325J3 -- UT [REDACTED] IS WHERE SUSP IS 616S3 -- ROLANDO/ECB 870S -- 2 FIREFIGHTERS ON WEST SIDE SDSO NCPD LMPD CORONADO ENRT 824S2 -- ECB/ROLANDO FOR INJD OFCRS MEDICS T4 TO MAKE IT TO ECB/ROLAND FOR TWO OFCRS DOWN HARBOR PD ENRT 824S2 -- 2 OFCRS INJD 325J3 -- ALL INJD OFCRS OUT OF BLDG 325S3 -- ALL OFCRS OUT

Duplicate Event Loc: [REDACTED]

xstreets: GARY ST/MONTEZUMA RD, Type: 11-6 - DISCHARGING FIREARMS, Caller Name:

Caller Ph Number [REDACTED]

Caller Address: [REDACTED]

Alarm Level: 0

HEARD // 30 SECONDS AGO // SE SIDE OF [REDACTED]

AGUIRRE [REDACTED]

[REDACTED] OVER 20 SHOTS // RP SEES OFFICERS IN THE AREA (JAVIER AGUIRRE [REDACTED] End of Duplicate Event data 325S3 -- EVACUATING 325J3 -- SUSP HAS ACCESS TO SLIDING WINDOW ON NORTH SIDE OF BLDG 116J3 -- GETTING BEARCAT 814S2 -- 2ND WINDOW TO WEST IS SUSP WINDOW SHARP HOSP T4//LD01 RMH UCSD613 ENRT 811U2 -- SNIPER SET UP ON HALLWAY EO LOC ESCONDIDO PD HAS 7 OFCRS ENRT 2928N3 -- FIREFIGHTERS EXTRACTED AND SAFE 870S -- EVACUATING [REDACTED] 835S3 -- [REDACTED] FOR SNIPER 824S2 -- HAS MAP/HALLWAY WITH DIRECT ACCESS SDSO SEVERAL DEPUTIES, NCPD 7, LMPD 7, CORONADO 1, HPD 3 L4 -- ALL SGTS TO FRONT OF COMPLEX 811U2 -- HAS HALLWAY L4 -- CP AT ROLANDO/ECB/NO AREAS TO AVOID 861Q -- COVERING WEST END OF HALLWAY ABLE3 -- NW CORNER COVERED 116J3 -- WITH

p://inetviewer.cad911.pd.sannet.gov/NetViewer/InquiryCommand/Event... 6/27/2018

NetViewer : Event Chronology

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BEARCAT CHP HAS 6 OFCR 97, MORE ENRT 873Q -- NE CORNER L4 -- HALLWAY LOCKED DOWN ABLE3 -- GOOD PERIM 825Z2 -- OPENING DOOR 835S3 -- NORTH P/LOT EYES ON WINDOW FOR SWAT 316S3 -- EVAC 3RD FLOOR 3916S3 -- ENG 17 GS13 -- UTS IN HALLWAY T4 NOT TO COME OUT FOR CROSSFIRE FIRE ADV 97/STAGED GS20S -- HAS EAST SIDE OF INT HALLWAY [REDACTED] Duplicate Event Loc: [REDACTED] xstreets: CAROCTIN DR/RESERVOIR DR, Type: 11-6 DISCHARGING FIREARMS, Caller Name [REDACTED] Caller Ph Number: [REDACTED] Caller Address: [REDACTED] Call Source: ANI/ALL, Alarm Level: 0 [REDACTED] End of Duplicate Event data [REDACTED] WPH2 -117.057727 32.7692610 [REDACTED] 6 SHOTS // WITHIN A MINUTE // HEARD FROM ACROSS THE STREET // POSS DORCHESTER APARTMENT // NOTHING ELSE HEARD [REDACTED] [REDACTED] FYI SENT TO LD01 316S3 -- EVACS COMING DOWN STAIRS FROM 3RD FLOOR 824S2 -- POSS SUSP GOT OUT 616S3 -- ROLANDO WB AT ECB KEEP OPEN FOR BEARCAT

06/24/18 00:19:36	trc03	8795	EVENT REMARK - FYI SENT TO LD01
06/24/18 00:19:49	trc03	8795	EVENT UPDATED - Rms Transfer Time: 06/24/18 00:19:49, Total Assigned Units: 187,
06/24/18 00:19:49	trc03	8795	UNIT UPDATED - Unit: 2062, Status: DP, Location: [REDACTED] ROLANDO CT SD: UNIT # [REDACTED] Employees: 5360
06/24/18 00:19:50	trc03	8795	UNIT UPDATED - Unit: 2062, Status: 97, Location: [REDACTED] CT SD: UNIT # [REDACTED] Employees: 5360
06/24/18 00:20:03	trc03	8795	EVENT REMARK - 616S3 -- ROBOT CONTROLLER GOING IN MAIN ENTRANCE
06/24/18 00:20:32	trc03	8795	EVENT REMARK - L4 -- APT 1 2 AND 3 EVACUATED
06/24/18 00:21:14	trc03	8795	EVENT REMARK - 2070S -- SETTING UP ANOTHER ROBOT
06/24/18 00:21:40	trc09	8739	EVENT UPDATED - Rms Transfer Time: 06/24/18 00:21:40, Total Assigned Units: 188,
06/24/18 00:21:40	trc09	8739	UNIT UPDATED - Unit: 2465S, Status: DP, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 4689
06/24/18 00:21:41	trc09	8739	UNIT UPDATED - Unit: 2465S, Status: ER, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 4689

tp://inetviewer.cad911.pd.sannet.gov/NetViewer/InquiryCommand/Event... 6/27/2018

NetViewer : Event Chronology

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06/24/18 00:22:50	trc03	8795	EVENT REMARK - 870S -- 4 APTS NOT CKD ON 3RD FLOOR
06/24/18 00:23:11	\$121U2	7770	UNIT UPDATED - Unit: 121U2, Status: 97, Location: [REDACTED] 60 [REDACTED] CT SD: UNIT # [REDACTED] Employees: 6393, 7770
06/24/18 00:23:17	trc03	8795	EVENT REMARK - 870S -- CORRECTION 4 APTS NOT CKD ON 2ND FLOOR 39 55 54
06/24/18 00:23:29	trc03	8795	EVENT REMARK - 2060S -- LARGE ROBOT GOING IN SUSP APT
06/24/18 00:24:53	trc03	8795	EVENT REMARK - 3953E -- TAKING OUT ANOTHER LITE
06/24/18 00:27:36	trc09	8739	EVENT REMARK - 113Y2 -- MEDIA 97
06/24/18 00:27:46	RC03	8795	MESSAGE SENT - FYI EVENT E18060039233: Original message from terminal trc03 - 6/24/2018 00:27:46 [REDACTED] (8795): ***** PLEASE REVIEW EVENT E18060039233 ***** Location: [REDACTED] ROLANDO CT SD: UNIT # [REDACTED] MUN: SD EID: 421068 TYPE CODE: 1199 TIME: 22:16:18 Comments: [REDACTED] [REDACTED] UNK WRG..WALKING BACK AND FORTH CURSING YELLING SLAMMING DOORS ARGUING WITH A FEMALE IN THE HALLWAY.. UNK IF DV.. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

DISCUSSION AND CONCLUSIONS:

OIS – Officer BOGGEMAN and Officer ROMAN discharged their guns at Suspect [REDACTED]

When SDPD Officers ROMAN, BOGGEMAN, and BIHUM were called to investigate a call for a disturbance, they had concerns about a burning smell coming from the apartment Unit # [REDACTED] where the Reporting Party (RP) told Dispatch the disturbance was. Officers had a resident named Mr. [REDACTED]. The individual had a known violent history, including assault on a neighbor, restraining orders, firearms restrictions, and posed a possible danger to responding law enforcement officer. After 20-25 minutes of trying to get Mr. [REDACTED] to open his apartment door and speak with police about the disturbance, SDPD Officers called fire to

evaluate the burning smell. SD Fire Engineer and an SDPD Sergeant asked them to force open the door to clear the threat of potential fire. Within 2 seconds of the door being forced open by SD Firefighters, Mr. [REDACTED] began issuing rapid, high caliber shots towards the officers and firefighters. Mr. [REDACTED] was armed with an AR-15 style rifle, a 9mm Glock 17 handgun, and was wearing soft body armor complete with a steel tactical trauma plate. After Officer BIHUM moved back out of the doorway, the suspect fired 9-10 additional rounds through the drywall, of which one round struck Officer BIHUM in the right rear shoulder. Officer ROMAN fired his firearm at Mr. [REDACTED]. Officer Boggeman fired his firearm at Mr. [REDACTED]. After several minutes, the suspect fired at the officers from outside of his doorway and shot Officer Roman in the chin, chest and shoulder.

San Diego Police Department Procedure 1.04, Use of Force, Section III, March 8, 2018, states in part:

The San Diego Police Department recognizes and respects the value of human life, having this as its highest priority. It is the policy and practice of the Department to train its personnel in the use of the safest, most humane restraint procedures and force options currently known. The Department seeks to demonstrate integrity, and make decisions that are fair, respectful, lawful, and based on good judgment.

In the performance of their duties, officers may encounter situations where the use of force is reasonable in order to effect a detention or arrest, to overcome resistance, or to protect themselves or others. Force, as authorized by Penal Code section 835a, and as set forth in this policy, may be used in those situations. The decision to use deadly force in response to an imminent threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make.

Only force that is reasonable to overcome resistance may be used to effect a detention or an arrest, or take a mentally ill or emotionally disturbed person into protective custody. The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), acknowledged that the "reasonableness" test in analyzing the use of force is "not capable of precise definition or mechanical application." For that reason, in determining whether an officer's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the officer at the time force was used. All of the surrounding circumstances will be considered, including whether the subject posed an imminent threat to the safety of the officer or others, the severity of the crime at issue, and whether the suspect actively resisted arrest or attempted to flee.

Penal Code section 835a authorizes an officer to use reasonable force to make a lawful arrest, prevent an escape, or to overcome resistance. Officers are not required to retreat or desist from their efforts by reason of resistance or threatened resistance of the person being arrested.

The evaluation of an officer's use of force will be undertaken from the perspective of a reasonable officer on the scene, not through the 20/20 vision of hindsight. The central inquiry in every use of force case is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.

San Diego Police Department Procedure 1.04, Use of Force,

IV. DEFINITIONS

- E. Deadly Force - force that creates a substantial risk of causing death or serious bodily injury.

San Diego Police Department Procedure 1.05, Firearms Procedures,

III. PROCEDURES

B. No officer shall discharge a firearm in the performance of duty except:

1. During authorized training at a target range;
2. When the officer has a reasonable belief that a subject (or an animal) poses an imminent threat of death or serious bodily injury to the officer or another person
3. **When necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon and the suspect's escape would pose an imminent threat to the officer or others; and,**
4. As permitted by Department Procedure 6.09, Handling of Injured Animals.

C. A verbal warning to submit to the authority of the officer shall be given prior to the use of a firearm, if feasible, and if to do so would not increase the danger to the officer or other persons.

D. Officers shall exercise the utmost care in their handling and use of firearms while engaged in the performance of their duties and while exercising their option to carry a loaded and concealed weapon while off-duty. Officers should consider the following factors before discharging a firearm:

1. Immediacy of the threat;
2. Suspect(s) age, size, skill, injury or disability;
3. Environment (field of fire);
4. Capabilities of the suspect's weapon;
5. Officer's present capability with the weapon; and,
6. Type of crime.

G. Firearms are not designed or intended for use as impact weapons and shall not be used as impact weapons, except when necessary to protect the officer or another person from death or serious bodily injury.

H. Shotgun Procedures

1. Shotgun loading and storage

- a. When carried, shotguns shall be secured in the vehicle's shotgun mount and shall not be stored or transported in the vehicle's trunk. Shotguns stored in unmarked vehicles shall be concealed in a protective case in a locked trunk or equipment storage box or locked in the shotgun mount if the vehicle is so equipped.
- b. At the beginning of the shift, the officer to whom the shotgun is issued shall load the shotgun in the proper manner.
- c. Upon conclusion of an incident in which a shotgun round has been chambered, the officer to whom the shotgun is issued shall unload and reload the shotgun in the currently prescribed manner.
- d. At the end of the shift, the officer to whom the shotgun is issued shall unload the shotgun in the currently prescribed manner.

e. To reduce the danger of injury associated with unintentional discharge, the shotgun shall never be loaded or unloaded in a vehicle, in a police station, under any overhead structure or close to multistoried buildings (e.g., Headquarters "E" Street parking lot) unless using a shotgun containment canister.

On January 9, 2019, Internal Affairs Sgt. BISESTO sent San Diego Police Department Firearms Range Sergeant Christopher Sarot #4689 an email requesting the qualification information for Officers Roman and Boggeman and their firearms.

On January 10, 2019, Sergeant Sarot responded to Internal Affairs Sgt. BISESTO with the following information:

Officer Francisco Roman #7312
Smith & Wesson M&P #NBB4870
Qualification: 06/14/2018

Officer Shawn Boggeman #7160
Smith & Wesson M&P #NAV9888
Qualification: 06/12/2018

San Diego Police Department Procedure 1.05, Firearms Procedures,

IV. REQUIREMENTS REGARDING FIREARMS AND AMMUNITION

A. Firearms

1. All firearms shall be inspected pursuant to the Police Department Inspection Guide.
2. **All firearms carried on- or off-duty shall be of a type approved or issued by the Department. The Rangemaster shall retain the master list of approved weapons. Requests to add firearms to the approved list shall be directed to the Rangemaster.**
3. Other models previously authorized may be retained, but no additional firearms of those types will be authorized for Department use. Other models will be evaluated on a continuing basis.
4. On-duty backup firearms shall be completely concealed on the officer's person.
5. Firearms shall have a blue steel, stainless steel, or black non-reflective finish. Chrome, nickel-plated, or colored finishes are prohibited.
6. Officers shall be limited to five approved handguns for on or off-duty use in their official police capacity. Personally-owned shotguns are not included in the five-gun limit.
7. Personal weapons carried on- or off-duty shall be inspected and approved by the Department's Firearms Training Unit.
 - a. Following the inspection, the officer shall demonstrate proficiency in the use of the weapon by shooting a course prescribed by the Rangemaster.
 - b. Upon successful completion of the prescribed course, the Rangemaster, or designee, shall complete an "Authorization to Carry a Personal Weapon on Duty" form (PD-899TR), and, if necessary, indicate any limitations for use.
 - c. The original PD-899TR authorization form shall be routed to the

Human Resources Unit for inclusion in the officer's personnel file. A copy will be given to the officer for his/her records.

8. Operational Support staff issues Department handguns. The Operational Support Sergeant has the authority to issue an officer a Department handgun, or replace an officer's Department handgun in the event it is lost or stolen.

9. In instances of lost or stolen handguns, the officer shall prepare a police report, which includes the handgun's serial number, prior to the issuance of a replacement handgun. If the incident occurred outside the County of San Diego, the officer shall obtain a lost or stolen incident report from the appropriate police agency.

a. The officer shall also prepare an ARJIS-9 report detailing the circumstances of the lost or stolen handgun.

Sergeant Sarot stated the shotgun Officer BOGGEMAN used during the shooting, Remington pump-action shotgun 870 Police Magnum #CC74080A, is assigned to Officer Dominic Aristide. Sergeant Sarot stated Officer Boggeman qualified for that type of City-issued shotgun on 02/05/2018, and is qualified to use it provided the gun did not have any unauthorized accessories.

Based on Officer BIHUM, Officer ROMAN and Officer BOGGEMAN's statements, San Diego Police Department Procedures, the investigation conducted by Homicide Team I and II, and the Internal Affairs (IA) Investigation, Officer ROMAN and Officer BOGGEMAN used their firearms to stop an imminent threat of great bodily injury or death to themselves, civilians, San Diego Firefighters, and to potentially other officers.

Team 4 has fully reviewed this Officer Involved Shooting (OIS) and all associated Internal Affairs files and agrees with IA's determination that decision of Officer ROMAN and Officer BOGGEMAN use deadly force was reasonable, legal and **WITHIN POLICY** of the San Diego Police Department; Team 4 agrees with IA.

CHANGES MADE DURING CASE REVIEW

Number (how many)	Category	Description of the Change
	Allegations	
	Findings	
Yes/No	Category	Optional Description
	Interviews	
	Evidence	
	Policies	

CRB Team 4 Endorsement	Signature [Redacted]	Signature [Redacted]	Signature [Redacted]
	Date 8/27/19	Date 8/27/19	Date 8/27/19
	[Redacted]	[Redacted]	[Redacted]

TEAM CONCERNS AND ISSUES:

Team 4 wanted to offer this case review report as an educational example to the rest of the CRB of how many resources can be analyzed/reviewed in a case. We strongly feel that Policies and Procedures, CAD Incident Reports, BWC, ABLE Video, and many others really do help with the thorough, complete, and fair review of the case by the CRB.

Team 4 was very impressed with how quickly Officer ROMAN was able to spring into action to assist his partner Officer BIHUM. When Officer BIHUM was temporarily paralyzed (possibly from the shock of being shot), Officer ROMAN grabbed Officer BIHUM to try to drag him out of the line of fire. Then, Officer ROMAN continued to encourage and talk Officer BIHUM to try to get him to crawl out of the line of fire while Officer ROMAN covered him. It was a stressful situation that Officer ROMAN handled very professionally, especially as a new officer.

The IA report indicates that two BWCs were turned off by an unknown person. (Both of these BWCs were knocked off the officer during this event and remained on the ground, continuing to record.) During our review of the files and footage, we realized that BWCs appear to have a 4 hour limit to recording. Both BWCs turn off without any sign of an outside party interacting with the BWC device. In both cases, the BWC stops recording at exactly 4 hours 02 seconds. Although it is rare that any law enforcement encounter would last longer than 4 hours, it should be noted that in serious instances, BWCs may not be able to fully record an event as the officer experiences it. We recommend the SDPD examine the Axon BWC software to explore if this time limit can be removed, knowing that the BWCs have a finite amount of storage/memory.

